

## **AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application.

## **LISTING OF CLAIMS:**

- 5     1.     (Cancelled).
2.     (Previously Presented) Crystalline oxcarbazepine, wherein the oxcarbazepine has a PXRD diffraction pattern with peaks at about 11.9, 14.4, 20.0, 23.0,  $25.1 \pm 0.2$  degrees two-theta.
- 10    3.     (Original) The oxcarbazepine of claim 2 having a PXRD diffraction pattern with peaks at about 11.9, 14.4, 17.7, 19.4, 20.0, 21.1, 23.0, 24.0, 24.4,  $25.1$ ,  $26.0 \pm 0.2$  degrees two-theta.
- 15    4.     (Original) The oxcarbazepine of claim 3 having a PXRD diffraction pattern substantially as depicted in figure 1.
5.     (Previously Presented) A process for preparing the oxcarbazepine of claim 2 comprising the steps of:
  - 20     a)     preparing a solution of oxcarbazepine in a mixture of dichloromethane and toluene, and
  - b)     evaporating the toluene and the dichloromethane leaving the oxcarbazepine as a residue.
- 25    6.     (Original) The process of claim 5, wherein the solution is prepared by dissolving oxcarbazepine in dichloromethane and adding the dichloromethane to toluene.
- 30    7.     (Previously Presented) Crystalline oxcarbazepine having a PXRD diffraction pattern with peaks at about 11.9, 14.4, 20.0, 23.0,  $25.1 \pm 0.2$  degrees two-theta prepared by the process of claim 5.

8. (Previously Presented) A process for preparing the oxcarbazepine of claim 2 comprising the steps of:
- a) preparing a solution of oxcarbazepine in toluene;
  - b) heating the solution;
  - 5 c) cooling the solution at a rate of  $60^{\circ}\text{C min}^{-1}$  or above to cause formation of a precipitate; and
  - d) separating the precipitate.
9. (Original) The process of claim 8, wherein the solution is heated to about reflux.
10. (Original) The process of claim 8, wherein the solution is cooled to a temperature of about  $0^{\circ}\text{C}$ .
11. (Previously Presented) Crystalline oxcarbazepine having a PXRD diffraction pattern with peaks at about 11.9, 14.4, 20.0, 23.0,  $25.1 \pm 0.2$  degrees two-theta prepared by the process of claim 8.
12. (Cancelled).
13. (Previously Presented) Crystalline oxcarbazepine, wherein the oxcarbazepine has a PXRD diffraction pattern with peaks at about 11.7, 21.7, 23.2,  $24.4 \pm 0.2$  degrees two-theta.
14. (Previously Presented) The oxcarbazepine of claim 13 having a PXRD diffraction pattern with peaks at about 11.7, 17.0, 18.0, 21.7, 23.2, 24.4,  $26.0 \pm 0.2$  degrees two-theta.
15. (Previously Presented) The oxcarbazepine of claim 14 having a PXRD diffraction pattern substantially as depicted in figure 2.
16. (Previously Presented) A process for preparing the oxcarbazepine of claim 13 comprising the steps of:
- a) preparing a solution of oxcarbazepine in toluene;

- b) heating the solution;
- c) cooling the solution at a rate of from about 20 to 60°C min.<sup>-1</sup> to cause formation of a precipitate; and
- d) separating the precipitate.

5

17. (Original) The process of claim 16, wherein the solution is cooled at a rate of about 40°C per minute.

18. (Original) The process of claim 16, wherein the solution is cooled to about 0°C.

10

19. (Original) The process of claim 16, wherein the solution is heated to about reflux.

20. (Previously Presented) Crystalline oxcarbazepine having a PXRD diffraction pattern with peaks at about 11.7, 21.7, 23.2, 24.4 ± 0.2 degrees two-theta prepared by the process of claim 16.

15

21. (Cancelled).

22. (Previously Presented) Crystalline oxcarbazepine, wherein the oxcarbazepine has a PXRD diffraction pattern with peaks at about 11.7, 14.2, 24.3 ± 0.2 degrees two-theta.

20

23. (Previously Presented) The oxcarbazepine of claim 22 having a PXRD diffraction pattern substantially as depicted in figure 3.

24. (Previously Presented) A process for preparing the oxcarbazepine of claim 22 comprising the steps of:

25

- a) preparing a solution of oxcarbazepine in toluene; and
- b) evaporating the toluene leaving a residue of the oxcarbazepine.

25. (Original) The process of claim 24, further comprising a step of heating the solution before evaporating.

30

26. (Original) The process of claim 25, wherein the solution is heated to about reflux.

27. (Original) The process of claim 25, further comprising cooling the heated solution before evaporating.
- 5 28. (Original) The process of claim 27, wherein the solution is cooled to about 0°C.
29. (Original) The process of claim 24, further comprising a step of cooling the solution.
30. (Original) The process of claim 29, wherein the solution is cooled to about 0°C.
- 10 31. (Original) The process of claim 24, wherein the toluene is removed from the solution by evaporation.
32. (Previously Presented) Crystalline oxcarbazepine having a PXRD diffraction pattern with peaks at about 11.7, 14.2,  $24.3 \pm 0.2$  degrees two-theta prepared by the process of claim 24.
- 15 33. (Original) An oxcarbazepine chloroform solvate.
- 20 34. (Cancelled).
35. (Previously Presented) A crystalline oxcarbazepine chloroform solvate, wherein the oxcarbazepine has a PXRD diffraction pattern with peaks at about 14.5, 15.0, 18.2, 21.4, 22.9, 24.0, 25.8,  $26.0 \pm 0.2$  degrees two-theta.
- 25 36. (Previously Presented) The oxcarbazepine chloroform solvate of claim 35, wherein the oxcarbazepine has a PXRD diffraction pattern substantially as depicted in figure 4.
- 30 37. (Original) The oxcarbazepine chloroform solvate of claim 33 containing about a 27 weight % chloroform.
38. (Original) A process for preparing oxcarbazepine chloroform solvate comprising:

- a) causing formation of a precipitate from a solution of oxcarbazepine in chloroform, and
- b) separating the precipitate.

5     39.     (Original) The process of claim **38**, further comprising a step of heating the solution before causing formation of the precipitate.

40.     (Original) The process of claim **39**, further comprising a step of cooling the heated solution, whereby cooling causes formation of the precipitate.

10

41.     (Original) The process of claim **39**, wherein the solution is heated to an elevated temperature of from about 50°C to about 60°C.

15

42.     (Original) The process of claim **41**, wherein the solution is heated to an elevated temperature of about 55°C.

43.     (Original) The process of claim **41**, wherein the heated solution is cooled to a reduced temperature of from about 10°C to about 20°C.

20

44.     (Original) The process of claim **43**, wherein the reduced temperature is about 16°C.

45.     (Previously Presented) The oxcarbazepine chloroform solvate produced by the process of claim **38**.

25     46.     (Previously Presented) A process for preparing crystalline oxcarbazepine having a PXRD diffraction pattern substantially as depicted in figure 5 comprising:

- a) providing the oxcarbazepine chloroform solvate of claim **35**,
- b) heating the oxcarbazepine chloroform solvate, and
- c) recovering the oxcarbazepine.

30

47.     (Previously Presented) The process of claim **46**, wherein the oxcarbazepine solvate is heated to an elevated temperature in the range of from about 40°C to about 80°C.

48.     (Original) The process of claim **47**, wherein the elevated temperature is about 60°C.

49. (Previously Presented) A process for preparing crystalline oxcarbazepine having a PXRD diffraction pattern substantially as depicted in figure 5 comprising
- 5 a) providing crystalline oxcarbazepine having a PXRD diffraction pattern with peaks at about 11.9, 14.4, 20.0, 23.0,  $25.1 \pm 0.2$  degrees two-theta,
- b) heating the oxcarbazepine, and
- c) recovering the oxcarbazepine.
50. (Previously Presented) The process of claim 49, wherein the oxcarbazepine is heated
- 10 to an elevated temperature in the range of from about 60°C to about 120°C.
51. (Original) The process of claim 50, wherein the elevated temperature is about 60°C.
52. (Previously Presented) A process for the preparation of crystalline oxcarbazepine
- 15 having a PXRD diffraction pattern with peaks at about 11.7, 21.7, 23.2,  $24.4 \pm 0.2$  degrees two-theta comprising
- a) providing crystalline oxcarbazepine having a PXRD diffraction pattern with peaks at about 11.9, 14.4, 20.0, 23.0,  $25.1 \pm 0.2$  degrees two-theta,
- b) maintaining the oxcarbazepine at a temperature in the range of from about 20
- 20 to about 30°C, and
- c) recovering the oxcarbazepine.
53. (Previously Presented) A process for preparing crystalline oxcarbazepine having a PXRD diffraction pattern substantially as depicted in figure 5 comprising:
- 25 a) contacting oxcarbazepine selected from the group consisting of crystalline oxcarbazepine having a PXRD diffraction pattern with peaks at about 11.9, 14.4, 20.0, 23.0,  $25.1 \pm 0.2$  degrees two-theta, crystalline oxcarbazepine having a PXRD diffraction pattern with peaks at about 11.7, 21.7, 23.2,  $24.4 \pm 0.2$  degrees two-theta, and crystalline oxcarbazepine having a PXRD
- 30 diffraction pattern with peaks at about 11.7, 14.2,  $24.3 \pm 0.2$  degrees two-theta with a protic solvent; and
- b) recovering the oxcarbazepine.

54. (Previously Presented) The process of claim **53**, wherein the crystalline oxcarbazepine is suspended in the protic solvent.
55. (Original) The process of claim **53**, wherein the protic solvent is selected from the group consisting of water and ethanol.
56. (Previously Presented) The process of claim **54**, wherein the crystalline oxcarbazepine is suspended in the protic solvent from about two hours to about three days.
57. (Previously Presented) The process of claim **56**, wherein the crystalline oxcarbazepine is suspended for about one day.
58. (Currently Amended) A pharmaceutical composition comprising:  
a) crystalline oxcarbazepine; and  
b) a pharmaceutically acceptable excipient,  
wherein the pharmaceutical composition is a solid pharmaceutical composition and  
wherein the crystalline oxcarbazepine is selected from the group consisting of crystalline oxcarbazepine having a PXRD diffraction pattern with peaks at about 11.9, 14.4, 20.0, 23.0,  $25.1 \pm 0.2$  degrees two-theta, crystalline oxcarbazepine having a PXRD diffraction pattern with peaks at about 11.7, 21.7, 23.2,  $24.4 \pm 0.2$  degrees two-theta, crystalline oxcarbazepine having a PXRD diffraction pattern with peaks at about 11.7, 14.2,  $24.3 \pm 0.2$  degrees two-theta, and crystalline oxcarbazepine chloroform solvate having a PXRD diffraction pattern with peaks at about 14.5, 15.0, 18.2, 21.4, 22.9, 24.0, 25.8,  $26.0 \pm 0.2$  degrees two-theta.
59. (Original) The pharmaceutical composition of claim **58**, wherein the composition is mixed with one or more crystalline oxcarbazepine.
60. (Original) A pharmaceutical dosage form comprising the pharmaceutical composition of claim **58**.
61. (Original) The pharmaceutical dosage form of claim **60**, wherein the dosage form is a capsule or tablet.

62. (Original) The pharmaceutical dosage form of claim 61, wherein the dosage form is a tablet.
63. (Original) The pharmaceutical dosage form of claim 60, containing a unit dosage of about 150mg to about 600mg oxcarbazepine.
64. (Original) The pharmaceutical dosage form of claim 63, containing a unit dosage selected from the group consisting of about 150mg, 300mg and 600mg.
65. (Currently amended) ~~The A~~ pharmaceutical dosage form ~~of claim 60~~, comprising a pharmaceutical composition comprising:  
a) crystalline oxcarbazepine; and  
b) a pharmaceutically acceptable excipient,  
wherein the crystalline oxcarbazepine is selected from the group consisting of  
crystalline oxcarbazepine having a PXRD diffraction pattern with peaks at about 11.9,  
14.4, 20.0, 23.0, 25.1 ± 0.2 degrees two-theta, crystalline oxcarbazepine having a  
PXRD diffraction pattern with peaks at about 11.7, 21.7, 23.2, 24.4 ± 0.2 degrees  
two-theta, crystalline oxcarbazepine having a PXRD diffraction pattern with peaks at  
about 11.7, 14.2, 24.3 ± 0.2 degrees two-theta, and crystalline oxcarbazepine  
chloroform solvate having a PXRD diffraction pattern with peaks at about 14.5, 15.0,  
18.2, 21.4, 22.9, 24.0, 25.8, 26.0 ± 0.2 degrees two-theta,  
and wherein the dosage form is an oral suspension.
66. (Original) The pharmaceutical dosage form of claim 65, wherein the dosage is about 60mg ml<sup>-1</sup>.
67. (Original) The pharmaceutical dosage form of claim 66, wherein the dosage is about 300mg ml<sup>-1</sup>.
68. (Previously Presented) A method of treating a patient suffering from seizures comprising administering the pharmaceutical composition of claim 58 to a patient in need thereof.

69. (Original) The method of claim 68, wherein the seizures are associated with epilepsy.

70. (Previously Presented) A method of treating Parkinson's disease comprising administering the pharmaceutical composition of claim 58.

5

71. (Cancelled).

72. (Cancelled).

10 73. (New) A method of treating a patient suffering from seizures comprising administering the pharmaceutical composition of claim 65 to a patient in need thereof.

74. (New) A method of treating Parkinson's disease comprising administering the pharmaceutical composition of claim 65.

15